

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY, CALIFORNIA  
AND RECORD OF ACTION**

9

**November 23, 2004**

**FROM:** **NORMAN A. KANOLD**, Assistant County Administrator  
Economic Development/Public Services Group

**PETER R. HILLS**, Fire Chief/Fire Warden  
San Bernardino County Consolidated Fire District

**SUBJECT: FEDERAL TITLE III AGRICULTURE FOREST RESERVE PAYMENT FUNDS –  
45-DAY PUBLIC COMMENT PERIOD**

**RECOMMENDATION:** Direct the Clerk of the Board to publish a 45-day notice of intent to use \$66,352 in Fiscal Year 2004/2005 Federal Title III Agriculture Forest Reserve Payment Funds to address the fire hazard associated with diseased, dying, or dead standing trees, in accordance with federal guidelines regarding the use of these funds.

**BACKGROUND INFORMATION:** In 1908, Congress enacted a law that requires 25 percent of the revenues derived from National Forest System lands be paid to states for use by the counties in which the lands are situated for the equal benefit of public schools and roads. Congress recognized that its decision to secure these lands in Federal ownership would deprive local agencies in which these lands are situated of the revenues they would otherwise receive if the lands were held in private ownership. Counties could elect to remain under the 25% Payment Method with fluctuating funding levels or change to the Full Payment Method that requires counties to designate 15% to 20% of these revenues to fund either Title II or Title III projects under the Act.

Title II addresses special projects on federal lands and requires the establishment of a resource advisory committee to develop those projects. The U.S. Secretary of Agriculture makes the final selection of projects recommended by the advisory committee.

Title III involves county projects that may include search and rescue services, community service work camps, easement purchases, forest-related educational opportunities, fire prevention, county planning to reduce the impact of development on adjacent Federal lands, or community forestry. The County can select the project(s), provided there is a description of the proposed project in the publications of the local record and a 45-day public comment period.

On September 21, 2004, the Board of Supervisor's elected to continue to receive Federal Forest Reserve payments under the Full Payment Method that requires the County to set aside 15 to 20% to fund Title III projects.

The recommendation requests the Board to direct the Clerk of the Board to publish a 45-day notice of intent to use \$66,352 in FY 2004/2005 Federal Title III Agriculture Forest Reserve Payment funds to address the bark beetle local emergency. The 45-day notice references proposed project expenditures that include, but are not limited to: hiring arborists to assist with identifying/prioritizing diseased or dying trees, contract services in connection with identifying the specific number and location of affected trees, fire prevention/planning to increase the protection of people and property, and education programs involving fire protection for homeowners within the wildland urban interface.

**Record of Action of the Board of Supervisors**

Approval of this recommendation will direct the Clerk of the Board to publish the 45-day notice for use of these funds and staff will return to the Board following the 45-day comment period with a recommendation on whether or not to proceed with the proposed projects, based on comments received from the public.

**REVIEW AND APPROVAL BY OTHERS:** This item has been reviewed and approved by County Counsel (Charles S. Scolastico, Deputy County Counsel, 387-5481) on November 2, 2004 and the County Administrative Office (Wayne Thies, Administrative Analyst, 387-5409) on November 12, 2004.

**FINANCIAL IMPACT:** Under the full payment method for FY 2004/2005, the County will receive approximately \$66,352, which will go to County-designated Title III projects.

**SUPERVISORIAL DISTRICT(S):** All

**PRESENTER:** Peter R. Hills 387-5948